

MAY 14 2014

THOMAS G BRUTON
CLERK, U.S. DISTRICT COURTUNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

CHRISTIAN VIER PUSSILANO,

Plaintiff;

v.

NORTHWESTERN UNIVERSITY,

Defendant.

No. 14-CV-00321

Hon. Sharon Johnson Coleman

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Since plaintiff is within the two-year time limit for the statute of limitations to file a disability claim under the ADA, plaintiff asks that the defendant's motion to dismiss be denied, and in the alternative grant leave to amend the complaint to allow allegations relating to exhibits A and B.

FACTS

The initial discriminatory act referenced in the complaint was a dean's decision not to allow plaintiff to drop one of the four courses plaintiff was registered for in the fall quarter of 2011. The date of that decision, in the attached copy of an email record in Exhibit A, was October 27, 2011. It is that date that plaintiff entered in the initial complaint that plaintiff filed on January 16, 2014, because Question #6 on the form explicitly asked for the date "beginning on or about" when "the defendant discriminated against the plaintiff." Exhibit A is a copy of an email correspondence between plaintiff and Dean Betsi Burns, reaffirming that plaintiff must complete the prescribed four courses for the fall quarter of 2011. However, the final discriminatory act -- i.e., plaintiff's being dismissed from Northwestern University -- didn't come until the letter in Exhibit B landed in plaintiff's mailbox, and that was dated January 19, 2012. Attorneys from Equip for Equality, whose letter rejecting plaintiff's request for pro bono

representation plaintiff was presented to the court at IFP appearance in April, advised that since the matter plaintiff is pursuing this disability claim with regard to is plaintiff's wrongful dismissal from Northwestern, the date that marked the beginning of the two-year statute of limitations for filing such a claim is January 19, 2012. That is why plaintiff filed his initial complaint on January 16, 2014, to avoid allowing the statute of limitations to expire that Sunday, the 19th of January, 2014.

ARGUMENT

The discriminatory act that plaintiff is filing this disability claim in response to is Northwestern's wrongful dismissal of plaintiff after being unduly required to take one course more than the minimum three courses for a full-time course load at Northwestern. That dismissal came on January 19, 2012, in the letter in Exhibit B. Plaintiff is therefore within the two-year time limit for the statute of limitations that pertains to such disability claims under the ADA.

CONCLUSION

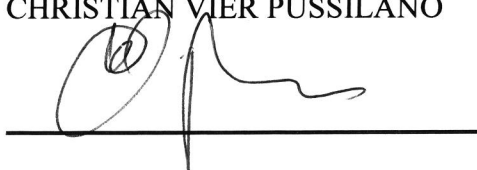
Since plaintiff is within the two-year time limit for the statute of limitations to file a disability claim under the ADA, plaintiff asks that the defendant's motion to dismiss be denied, and in the alternative grant leave to amend the complaint to allow allegations relating to exhibits A and B.

Respectfully submitted,

CHRISTIAN VIER PUSSILANO

Dated: May 14th, 2014

By:





Christian Pussilano <christianpussilano2014@u.northwestern.edu>

Follow up from today

1 message

Betsi Suzanne Burns <b-burns@northwestern.edu>

Thu, Oct 27, 2011 at 10:18 PM

To: Christian V Pussilano <ChristianPussilano2014@u.northwestern.edu>

Cc: Sally E Ewing <sally-ewing@northwestern.edu>

Hi Christian,

It was great meeting with you and I hope you had a great rest of the afternoon and a great meeting with SSD.

I had a chance to speak with Dean Ewing today. Unfortunately, the conditions of your return cannot be changed at this time. You must remain and successfully complete 4 classes this quarter in order to fulfill the conditions of your reinstatement, probationary status, and conditions for granting an interschool transfer.

Please keep me updated and let me know how else I may be able to help and support you through this quarter and beyond. I will see you again in a few weeks if not before.

Be well...

Betsi

Betsi S. Burns

Assistant Dean of Students

Northwestern University

Student Affairs

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direct: 847.491.8432

fax: 847.467.2523

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GO CATS!

EXHIBIT

NO. A

WEINBERG
COLLEGE OF
ARTS & SCIENCES

Office of Undergraduate
Studies and Advising
1922 Sheridan Road
Evanston, Illinois 60208-4030

Phone 847-491-7560
Fax 847-467-7251

Judd A. and Marjorie Weinberg
College of Arts and Sciences
Northwestern University



NORTHWESTERN
UNIVERSITY

January 19, 2012

1500 Chicago Avenue
Apt. 607
Evanston, IL 60201

Dear Christian:

Acting for the Faculty of Weinberg College, I must inform you that you have been dismissed from Northwestern University for unsatisfactory scholarship. Given that you did not meet the very clear terms of your probationary agreement for taking classes this fall 2011 quarter, you are not now in a position to profit from continued enrollment at Northwestern. I have asked the Registrar to withhold all future registration.

This action against your academic standing is certainly to be regretted. The record, however, simply leaves no other choice.

Sincerely,

Mary E. Finn
Associate Dean

EXHIBIT

NO. B